



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,846	01/13/2005	Sung Yoon Kim	260977US6PCT	7194
22850 7590 02/16/2011 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER SCHWARTZ, DARREN B				
ART UNIT 2435		PAPER NUMBER		
NOTIFICATION DATE 02/16/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com

oblonpat@oblon.com

jgardner@oblon.com

Office Action Summary

Application No.

10/519,846

Applicant(s)

KIM ET AL.

Examiner

Darren B. Schwartz

Art Unit

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-6, 8-20 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 8-20 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-840)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant amends claims 1, 2, 8, 13-17, 19, 20 and 23-28 in the amendment
12/28/2010.

Claims 1, 2, 4-6, 8-20 and 23-28 are presented for examination.

Response to Arguments

1. In light of Applicant's amendments to the claims, the claim objection is withdrawn.
2. In light of Applicant's amendments to the claims, the claim rejections under 35 U.S.C. 101 are withdrawn.

Applicant's arguments with respect to claims 1, 2, 4-6, 8-20 and 23-28 have been considered but are moot in view of the new grounds of rejection. Applicant's arguments are directed to amended claim subject matter. As necessitated by Applicant's amendments to the claims, the Examiner introduces

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-6, 8-20, 24-25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al (U.S. Pat App Pub 2002/0114466 A1), hereinafter referred to as Tanaka in view of Okamoto et al (U.S. Pat 6732106 B2), hereinafter referred to as Okamoto, in further view of Abburi et al (U.S. Pat App Pub 2003/0084306 A1), hereinafter referred to as Abburi.

Re claim 1: Tanaka teaches an information device, comprising:

means for storing a content file including an encrypted content (¶7; ¶16; ¶83, right column) and an encrypted key block (Fig 5, elt "EKB;" ¶10); means for receiving the license (¶8);

decrypting the encrypted key block based on the key information, and decrypting the encrypted content based on the key block (Fig 19, all elements; ¶10; ¶144).

However, Tanaka does not expressly disclose means for receiving key information in response to a transmission of device identification information of the information device and the grouped device identification information over a network.

Okamoto teaches means for receiving key information in response to a transmission of device identification information [*device id*] of the information device and the grouped device identification information [*user information*] over a network (col 4, lines 62-67; col 5, lines 5-7; col 8, lines 25-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Tanaka with the teachings of Okamoto, for the purpose of tying proprietary content to a particular user in possession

of a particular device to prevent illegal copying of such content; Okamoto provides for preventing illegal distribution of content (col 1, lines 11-18).

While Okamoto is directed to limiting the number of "copied" proprietary content, the combination of Tanaka and Okamoto does not expressly disclose a license including grouped device identification information; and upon a determination that fewer than a predetermined number of information devices are associated with the grouped device identification information, and means for using the content by reading out the grouped device identification information from the license, reading out the key information based on the grouped device identification information.

Abburi teaches a license [¶243; see "Simple DRL 48" on pages 17-19] including grouped device identification information ["user identifier;" ¶25] (page 19, ¶244: in particular, element "Licensee Id" and "Licensee Name"); and upon a determination that fewer than a predetermined number of information devices are associated with the grouped device identification information (¶449-¶451).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Tanaka and Okamoto with the teachings of Abburi, for the purpose of binding the content and licenses to a plurality of devices wherein the plurality of devices is known and fixed. Doing so provides for the flexibility in allowing a user to distribute content to a plurality of devices whilst simultaneously enforcing usage controls and compensating the creators & distributors.

The combination of Tanaka, Okamoto and Abburi teaches means for using the content by reading out the grouped device identification information from the license

(Tanaka: Fig 8, elt "LEAF ID;" ¶113; Abburi: ¶25; *It would have been obvious to one of ordinary skill to incorporate into the license of Tanaka, the grouped device identification information of Tanaka for providing the flexibility of controlling the distribution of content amongst a plurality of devices*), reading out the key information based on the grouped device identification information (Tanaka: Fig 19, particularly elt "DNK" or Device Node Key; ¶113; Abburi: ¶25-¶26; ¶158; ¶167-¶168).

Re claim 2: The combination of Tanaka, Okamoto and Abburi teaches the content file includes license identification information identifying the license (Tanaka: Fig 5, elt "Lic.ID;" Fig 6, elt S41; Fig 8, elt "LICENSE ID;" ¶11; Abburi: Fig 3, elts 12p & 12; pages 17-19; in particular, note element "ID," "ID of the license," "name" "name of the license;" ¶100).

Re claim 4: The combination of Tanaka, Okamoto and Abburi teaches means for transmitting the transmission to an information server (Tanaka: Fig 1, elt 2; ¶3; ¶73; Okamoto: col 4, lines 62-67; col 5, lines 5-7; col 8, lines 25-64).

Re claim 5: The combination of Tanaka, Okamoto and Abburi teaches the means for receiving receives the grouped device identification information (Abburi: ¶414; ¶445) and the key information from the information server (Abburi: Fig 3, particularly elt Key ID; ¶66; ¶78; Okamoto: col 3, lines 60-67; col 16, lines 1-9).

Re claim 6: The combination of Tanaka, Okamoto and Abburi teaches means for storing stores the device identification information, which uniquely identifies the

information device from the information devices (Tanaka: ¶14; ¶113; Abburi: ¶370; Okamoto: col 4, lines 60-67).

Re claim 8: The combination of Tanaka, Okamoto and Abburi teaches means for submitting a request to the information server to delete from the information server the device identification information, the request including the device identification information (Abburi: ¶466-¶468; ¶472-¶473).

Re claim 9: The combination of Tanaka, Okamoto and Abburi teaches information devices are owned by one user (Abburi: ¶21; ¶25; Okamoto: Figs 14 & 15).

Re claim 10: The combination of Tanaka, Okamoto and Abburi teaches the key information, corresponds to a device node key allocated to the information devices, the device node key being a node in a bottom layer among a plurality of node keys in a hierarchical tree structure, wherein each of the plurality of node keys is encrypted and corresponds to a different node in the hierarchical tree structure, which branches off from a top layer to the bottom layer, the encrypted content, is multiply encrypted by each of the plurality of node keys on a path in the hierarchical tree structure from the device node key to a root key, the root key being one of the plurality of node keys in the top layer of the hierarchical tree structure, and the means for reading out sequentially decrypts each of the node keys on the path from the bottom layer to the top layer in the hierarchical tree structure, using the key information as the device node key to obtain the root key, and then decrypts the encrypted content by using the obtained root key (Tanaka: Figs 12, 18A, 18B & 18C; ¶137-¶140).

Re claim 11: The combination of Tanaka, Okamoto and Abburi teaches the encrypted content, is encrypted by a content key that is encrypted by the root key, and the means for reading out decrypts the content key by using the root key, and then decrypts the encrypted content using the content key (Tanaka: Fig 16; ¶11).

Re claim 12: The combination of Tanaka, Okamoto and Abburi teaches the encrypted content, includes at least one of text data, still image data, moving image data, or voice data (Tanaka: ¶9; Abburi: ¶87).

Re claims 13, 19, 20, 23-25 and 28: Claims 13, 19, 20, 23-25 and 28 are rejected under similar rationale and similar grounds as those stated as per claim 1 *supra*. Since claims 1, 13, 19, 20, 23-25 and 28 are argued together (see page 16 of Remarks), the claims stand and fall together.

Re claim 14: The combination of Tanaka, Okamoto and Abburi teaches means for receiving the receipt from one of the information devices (Abburi: ¶414; ¶421; ¶445).

Re claim 15: The combination of Tanaka, Okamoto and Abburi teaches the determination means refuses a device registration request from an information device, after a number of the information devices reaches the predetermined number (Abburi: ¶449).

Re claim 16: The combination of Tanaka, Okamoto and Abburi teaches determination means for deletes the device identification information, which is specified by a device registration deletion request from the one of the information devices (Abburi: ¶466-¶468; ¶472-¶473).

Re claim 17: The combination of Tanaka, Okamoto and Abburi teaches means for determining whether to charge for transmitting the license from information server, based on whether the grouped device identification information has been registered by the information server (Abburi: ¶94; Okamoto: col 1, lines 42-55; col 10, lines 20-35).

Re claim 18: Abburi teaches the information devices are owned by one user (Abburi: ¶450-¶451; Okamoto: Figs 14 & 15).

Re claim 27: The combination of Tanaka, Okamoto and Abburi teaches wherein a number of information devices associated with the grouped device identification information is incremented after the transmission of the device identification information and device identification information (Abburi: ¶21; ¶442; ¶448; ¶459; ¶465; Okamoto: col 15, lines 17-19; col 15, lines 40-45).

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al (U.S. Pat App Pub 2002/0114466 A1), hereinafter referred to as Tanaka, Okamoto et al (U.S. Pat 6732106 B2), hereinafter referred to as Okamoto, and Abburi et al (U.S. Pat App Pub 2003/0084306 A1), hereinafter referred to as Abburi, in further view of Cooper et al (U.S. Pat 5737416 A), hereinafter referred to as Cooper.

Re claim 26: The combination of Tanaka, Okamoto and Abburi teaches all the limitations of claim 6 as previously stated. Yet Cooper teaches means for reading out produces the device identification information using random numbers (Figure 12; col 6, lines 6-7; col 14, lines 34-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Tanaka, Okamoto and Abburi with the teachings of Cooper, for the purpose of generating unique device identifiers and avoiding collisions or duplications of device identifiers; random numbers are known in the art to provide such chaos and prevent duplication.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the text of the passage taught by the prior art or disclosed by the examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTOL-892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren B. Schwartz whose telephone number is (571)270-3850. The examiner can normally be reached on 7am-5pm EST, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571)272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. B. S./
Examiner, Art Unit 2435

/HOSUK SONG/
Primary Examiner, Art Unit 2435